

REMARKS

Upon entry of this amendment, claims 5-7, 9, 12-14, 30, 33, and 43-48 are pending in the instant application. Claims 8 and 42 have been cancelled herein without prejudice or disclaimer. Claims 14 and 43-48 have been amended. Support for the claim amendments presented herein is found throughout the specification and in the claims as originally filed. For example, support for the amendment to claim 14 is found in the specification at least at pages 114-118, while support for the amendments to claims 43-48 is found at least in Table 8I on pages 63-64 of the specification. Accordingly, no new matter has been added by the amendments presented herein.

Applicants note with appreciation that claims 5-7, 9, 12-13, 30 and 33 have been allowed.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Written Description

Claims 8 and 42-48 have been rejected under 35 U.S.C. § 112, first paragraph for lack of written description. In particular, the Examiner has indicated that the claims “encompass variants whose structural change cannot be used to diagnose cancer cells versus normal cells since the change in the nucleic acid will cause the loss of the diagnostic capability of the probe.” (Office Action, page 3).

Claims 8 and 42 have been canceled herein, thereby obviating any rejection of these claims. Claims 43-48 have been amended to recite specific isolated polynucleotide variants. In particular, amended claim 43 recites a variant, wherein the nucleotide at position 227 is T or C, and claim 44, as amended, is directed to a variant wherein the nucleotide at position 482 is T or C. Claim 45, as amended, recites a variant wherein the nucleotide at position 523 is A or G, while amended claim 46 is directed to a variant where the nucleotide at position 548 is G or A. As amended, claim 47 is directed to a variant wherein the nucleotide at position 573 is G or A, and amended claim 48 recites a variant in which the nucleotide at position 684 is T or C.

The claimed polynucleotides are described throughout the as-filed specification. For example, support for the variant nucleic acid molecules recited by amended claims 43-48 is found at least at in Table 8I at pages 63-64 of the as-filed specification. Thus, the disclosure provided throughout the as-filed specification is commensurate with the scope of the amended

claims presented herein. Accordingly, Applicants submit that the specification provides sufficient written description of the claimed polynucleotides so as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention at the time the instant application was filed. As such, this rejection should be withdrawn.

Enablement

Claim 14 has been rejected under 35 U.S.C. § 112, first paragraph for lack of enablement. In particular, the Examiner has indicated that “the specification, while being enabling for isolated cells transfected or transformed with an expression vector, does not reasonably provide enablement for a cell comprising a vector.” (Office Action, page 3).

Applicants submit that claim 14, as amended, is enabled by the instant specification. Claim 14 has been amended to recite a cell comprising the vector of claim 12, wherein the cell is transformed with the vector. The Examiner has acknowledged that the specification is enabling for the cell recited by amended claim 14. Accordingly, withdrawal of this rejection is requested.

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CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

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